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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,127

03/23/2004

Akira Hirose

119191

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EXAMINER

VO, TED T

ART UNIT

PAPER NUMBER

2191

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/806,127</p>	<p>Applicant(s) HIROSE ET AL.</p>	
	<p>Examiner TED T. VO</p>	<p>Art Unit 2191</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 5-16.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Ted T. Vo/
Primary Examiner, Art Unit 2191

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding the amendment and the arguments filed in Remarks on 1/31/08:

The amendment is entered because the change does not raise new issues.

Applicants' argument to the rejection of Claims 5-16 under 35 USC 112 second paragraph has been considered but not persuasive. As indicated by Applicants in the specification for the term of "instruction form" as in p. 6-7 and the connection with Figures 2-3. It appears that an instruction form is explained as a XML document. However, the pointing out fails in explaining the ambiguity of the claims because the deletion of a form means that a user cannot get it back after deletion; and thus, how can it is created. The functionality of the claim is full of ambiguity. It has not been explained by Applicants.

Applicants' argument to the rejection of Claims 5-16 under 35 USC 101 has been considered but not persuasive. Even Applicants aim to indicate "storage part", as they've just amended, this term cannot link their apparatus as a machine or a hardware part of a computer because the storage part of the claim reads on a software element that holds data input in the form, as it is commonly seen in a web document. As noted that claiming software per se fails to meet 101 statutory.

Applicants' argument to the rejection of Claims 5-16 under 35 USC 102 has been considered but not persuasive. First, the claim 1 merely picking three parts of an apparatus; a storage part, out put part, and a deletion part. The claim merely presents descriptive materials rather it represents an invention. It should be noted that this claim is broaden of common matters, in which one can see commonly internet links. For example, take a depiction of IEEE website that is pulled down to an internet user. When a web user clicks on IEEE URL, its site presents a document ("Instruction form") seen in the user's browser. User can input search request. It's clearly data is stored. If answers the question what is the part that stores the user query input, then this question addresses the storage part of the claim. Clearly, when a search query is submitted, it creates outputs. A new fresh bring out the new form. Clearly, the original form with search query had already been deleted.

For the Applicants argument to the Oracle reference, it is clearly that Applicants fail to address the functionality of Oracle in the same manner of the claims, as cited by the Examiner.